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GOVERNMENT BUREAU
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Initiative Petition Information Sheet

Title of Petition: An Act to Establish Limited Beer and Wine Licenses for Grocery Stores and Supermarkets, Subject to Local Control

Petition Number: 11-26
(to be filled in by Attorney General's Office staff)

Proponents' Contact

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Proponents' Attorney

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Optional:

Will the proponents propose a summary by the Monday, 5 days after the petition-filing deadline?

Yes XX No

Will the proponents submit a memo of law by the Friday 9 days after the petition-filing deadline?

Yes XX No

Please note that the above information will be made available to the public and particularly to possible opponents of certification. The Proponent and Proponents' Attorney (if any) will receive copies of any materials submitted by the public regarding certification.

AGO Staff Person Receiving Petition

PS
(to be filled in by Attorney General's Office staff)

Date

8/3/2011
(to be filled in by Attorney General's Office staff)

AN ACT TO ESTABLISH LIMITED BEER AND WINE LICENSES FOR
GROCERY STORES AND SUPERMARKETS, SUBJECT TO LOCAL CONTROL

Be it enacted by the People, and by their authority as follows:

Chapter one hundred and thirty-eight of the General Laws is hereby amended by inserting after section 15F the following new section 15G:

Section 15G. The local licensing authorities in any city or town may license any supermarkets or grocery stores located in that municipality to sell wines and malt beverages, notwithstanding any restrictions imposed by section seventeen of this chapter or any other provision of law on the number of licenses which may be issued by the municipality or held by a licensee. Licenses issued to supermarkets or grocery stores pursuant to this section shall not be considered in applying the limits this chapter otherwise imposes on the number of licenses a person can hold statewide or locally and/or on the number of licenses the local licensing authorities can issue. Nothing contained herein shall be construed to alter or affect the election by a city or town whether to allow alcohol sales within that city or town.

The additional licenses authorized by this section may be issued at the discretion of local licensing authorities following the procedures set forth in section fifteen A of this chapter to each applicant the local licensing authorities determine to be a supermarket or grocery store which will, after issuance of the license, occupy seven thousand five hundred square feet or more of retail space and whose primary activity at the premises will, after issuance of the license, be the sale of food for consumption off the store’s premises. Only supermarkets and grocery stores offering at least two hundred different food items to individuals for their own personal, family or household use are eligible for such licenses. Local licensing authorities may issue the licenses authorized by this section to individuals or business entities which meet the foregoing requirements regardless of their state of residence or organization, provided the applicant is approved by the commission; and, provided further, that any individual applicant is twenty-one years of age or older and has not been convicted of a felony.

Except as expressly provided in this section, the licenses authorized by this section shall be governed by the same provisions of law that are applicable to the issuance, renewal, suspension, termination and regulation of licenses issued pursuant to section fifteen of this chapter for the sale of wines and malt beverages and the same provisions of law that are applicable to the regulation of, and operation by, such license holders, including but not limited to those controlling the beverages they may offer for sale, shall apply to holders of the additional licenses.

The amount of the initial application or license fee and subsequent renewal fees for a license authorized by this section shall be determined and imposed by the local licensing authorities issuing or renewing that license. Any revenue generated by such fees which exceeds the cost of administering the licensing system by the local licensing authorities shall, subject to appropriation, be used by the city or town only for education, law enforcement and treatment related to alcohol.

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